

**Zoning Board of Appeals Minutes
January 23, 2018**

ZBA MEMBERS	ZBA MEMBERS ABSENT	STAFF PRESENT
Jim Racheff- Chair Bryan Patchan- Vice Chair Kenneth Ying Shuan Butcher Tom Overbey, Alternate	Lawrence Aronow	Gabrielle Collard– Division Manager for Current Planning Jessica Murphy – Administrative Assistant Rachel Depo—Assistant City Attorney

I. ANNOUNCEMENTS:

II. GENERAL PUBLIC COMMENT:

There was no general public comment.

III. APPROVAL OF MINUTES:

Approval of the **October 24, 2017** Zoning Board of Appeals Meeting Minutes as published:

MOTION: Mr. Butcher motioned to postpone approval of the minutes till the next ZBA Hearing.

SECOND: Mr. Patchan

VOTE: 5-0

IV. PUBLIC HEARING-SWEARING IN:

“Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Zoning Board of Appeals will be the whole truth and nothing but the truth.” If so, answer “I do”.

V. CONTINUANCES:

NONE

VI. OLD BUSINESS:

NONE

VII. NEW BUSINESS

A. Approval of the 2018-2019 ZBA Calendar

ZBA Action:

MOTION: Mr. Overbey moved to approve the 2018-2019 ZBA Calendar.

SECOND: Mr. Butcher.

VOTE: 5-0

B. ZBA17-773CU, Conditional Use, 28 E 6th Street

Public Comment:

Dave Schmidt at 26 E. 6th Street is in favor of the project and feels that it would be in the spirit of the City for it to be approved.

Sarah Butner at 705 Fairview is in support of the proposal.

ZBA Action:

MOTION: Dr. Ying moved to approve the conditional use request for the substitution of a nonconforming use in accordance with Section 308 and Section 905 finding that:

1. The proposed use is in harmony with the policies and regulations found in both the 2010 Comprehensive Plan and the Land Management Code (LMC).
2. The DR zoning district allows for high density residential development which generates more impacts on schools, water and sewer infrastructure, and emergency services than the proposed use of the Property and that any increased pedestrian or vehicular traffic and parking needs generated by the use beyond those generated by a permitted residential use are subject to the criteria of Section 905(c) of the LMC which will ensure that the proposed use will not create a greater adverse impact than the existing legally nonconforming.
3. The proposed use of the Property complies with the provisions of Article 9, Section 905(c) entitled *Change of Nonconforming Use* based on the following:
 - a. The Applicant has demonstrated that conversion of the entire site, particularly the five-bay garage, to residential use is physically and economically impracticable.
 - b. That the minimum number of off-street parking spaces is provided for both the conforming residential use and the proposed continued nonconforming use.
 - c. The Applicant's testimony has demonstrated that external effects of the use will be less intense and less objectionable, are limited, and are of a lesser degree than the existing use.
 - d. The Applicant has provided the guarantees necessary that no obnoxious or hazardous effluent will be discharge by the use and that wastes or by-products will be safely disposed of in a safe and healthful manner.
 - e. The responses to the criteria above demonstrate the same or lesser effects of the proposed use in comparison to the existing use allowing the Board to substitute one nonconforming use for another.

With the following conditions of approval:

1. That the Applicant provide a minimum of two bicycle parking spaces, one in excess of the minimum required by Code.
2. The Applicant must file a site plan in accordance with Section 309 of the LMC.
3. The Applicant must receive all necessary approvals in accordance with Section 423 of the LMC pertaining to Historic Preservation.
4. In accordance with Section 905, the Applicant must apply for and receive a zoning certificate/building permit within two years of this approval and prior to the existing use of the site ceasing for a period of one-year or more.

SECOND: Mr. Overbey.

VOTE: 4-0.

C. ITEMS ADDED TO AGENDA

Zoning Determinations Completed:

- 17-860ZD, East Church Subdivision
- 17-972ZD, 1500 Bowmans Farm Rd.
- 17-991ZD, 271 E. Patrick/218 Abrecht Alley
- 17-1021ZD, Sinclair Way, 350 W. Patrick St. & 447, and 453-455 W. South St.
- 17-1001ZD, Monocacy Blvd.
- 17-1045ZD, 1080 W. Patrick St.

Meeting adjourned approximately at 8:00 p.m.

Respectfully Submitted,

Jessica Murphy
Administrative Assistant